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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,960	10/24/2001	Dianc M. Landers	DP-304036/DE3-0204	7043

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER

PROCTOR, JASON SCOTT

ART UNIT	PAPER NUMBER
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2123

MAIL DATE	DELIVERY MODE
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06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/032,960	Applicant(s) LANDERS ET AL.	
	Examiner Jason Proctor	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 11, 12, 23, 28, 83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 23, 28, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-3, 11, 12, 23, 28, 83, and 84 were rejected in the Office Action of 22 December 2006.

Applicants' response submitted on 22 March 2007 has amended claim 1. Claims 1-3, 11, 12, 23, 28, 83, and 84 are pending in this application.

Claims 23, 28, 83, and 84 are rejected.

Claims 1-3, 11, and 12 are allowed.

Priority

Applicants' claim for priority under 35 U.S.C. § 119(e) to application 60/276,255 filed on March 14, 2001 is acknowledged.

Terminal Disclaimer

1. The terminal disclaimer filed on 18 April 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on application 10/355,749 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

2. The previous objection to the specification is withdrawn in response to the amendments thereto.

Response to Arguments – 35 USC § 112

3. In response to the previous rejection of claims 84, 23, and 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention, Applicants submit that:

The Applicants respectfully traverse this rejection and point out that the form features recited in claim 1 are associatively independent at the time of the model creation (e.g. at a time 't1'). Claim 84 recites a linking feature which may be implemented at a different point in time, e.g., at 't2'. The linking process is an enhanced feature of the horizontal modeling process recited in claim 1. See, for example, Page 12, line 27 through page 13, line 11 of the Applicants' specification, which states "[A]nother feature of the horizontally structured modeling and modeling is disclosed which utilizes the horizontal CAD/CAM modeling methods described above. Specifically, the first embodiment is further enhanced to ultimately facilitate generating horizontally structured CAD/CAM models. In an exemplary embodiment, horizontally structured modeling methods disclosed above are employed to facilitate the generation of one or more models for creating the actual part.

To facilitate the method disclosed and model creation, a link and unlink functionality is disclosed which provides for automatic references and the modification of associative relationships among one or more CAD/CAM models and model elements. The link/unlink function allows a newly created or existing model or model elements to be replaced by another. Moreover, the features associated with a first model may be reassociated to another model with little if any impact to the associated features."

Thus, as recited in the claims and disclosed in the specification, there is no violation of the associative independence with respect to the form features as the linking process provides an additional, enhanced feature to the modeling steps recited in claim 1.

The Examiner has fully considered this argument, but has found it unpersuasive for the following reasons.

There is no claim language directed to a time 't1' and 't2' in the claim language.

Applicants are reminded of 37 CFR 1.75(c), which states in relevant part that "claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim."

Therefore, claim 84 paradoxically requires that "(3) each of the form features is associatively independent from each other of the form features" (claim 1, lines 12-13) and

“generating a link between at least two of the form features.” As Applicants have illustrated, the claimed “link” is given a special meaning in the specification, such as “**a link and unlink functionality is disclosed which provides for automatic references and the modification of associative relationships among one or more CAD/CAM models and model elements.**” (emphasis added).

Therefore claim 83, and by dependence claims 23 and 28 are held as indefinite under 35 U.S.C. § 112, second paragraph.

Response to Arguments – 35 USC § 101

4. The previous rejection of claims 1-3, 11, 12, 23, 28, 83, and 84 under 35 U.S.C. § 101 have been withdrawn in response to Applicants’ amendments to claim 1.

Response to Arguments – 35 USC § 102

5. In response to the previous rejection of claim 83 under 35 U.S.C. § 102 as being anticipated by “Solid Edge™ User’s Guide Version 6” by Unigraphics Solutions™ Inc., Applicants submit that:

The Applicants have cancelled claim 83 rendering the rejection thereof moot.

The Examiner respectfully submits that the listing of claims presented for examination on 22 March 2007 include the full text of claim 83 with status indicator “(Previously Presented).” The rejection of claim 83 is therefore maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 84, 23, and 28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, upon which claim 84 depends, recites:

“(3) each of the form features is associatively independent from each other of the form features” (lines 15-16)

Claim 84 recites:

“The method of Claim 1 further includes generating a link between at least two of the form features.”

The single limitation of claim 84 apparently contradicts the referenced limitation of claim 1. By “generating a link between at least two of the form features,” the requirement of claim 1 that “each of the form features is associatively independent from each other of the form features” is violated. According to claim 84, at least two of the form features are associatively dependent by virtue of the link created between them.

The contradictory claim limitation in claim 84 renders the scope of the claim indefinite. Claims 23 and 28, which depend from claim 84, are similarly indefinite.

Regarding the meaning of “associatively independent,” the Examiner applies the plain meaning of these terms to claim 1. It is noted that claim 3 further limits the term “associative

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independency” to “a lack of a parent/child relationship,” however it would be improper to apply that limitation to claim 1 as written.

Claim Rejections - 35 USC § 102

The previous rejections under 35 U.S.C. § 102 are withdrawn in response to the amendments to the claims and cancellation of claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 83 is rejected under 35 U.S.C. § 102(b) as being anticipated by “Solid Edge™ User’s Guide Version 6” by Unigraphics Solutions™ Inc., © 1998 (Unigraphics).

Regarding claim 83, Unigraphics discloses several models which appear to be substantially identical to the claimed model (pages 28-38). Claim 83 is understood to be a *product-by-process claim* and is therefore interpreted in accordance with MPEP 2113.

Allowable Subject Matter

8. Claims 1-3 and 11-12 are allowed.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

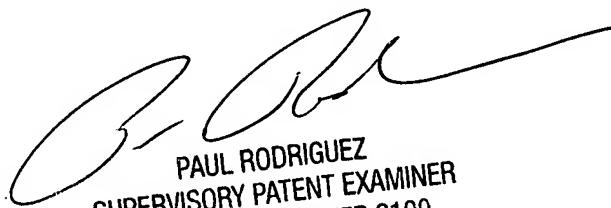
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of

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an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Proctor
Examiner
Art Unit 2123

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